

Supporting Statement
Application for Benefits Under the Family Unity Program
Form I-817
OMB No. 1615-0005

A. Justification.

1. This application provides for an automatic stay of removal and employment authorization for the spouse or unmarried child of an alien who has been granted either permanent resident status or who is eligible or applied for adjustment of status pursuant to § 1104(B) of Public Law 106-553, the Legal Immigration Family Equity Act (LIFE Act). Provided that the applicant is admissible to the United States, that the alien has not been convicted of a felony or of three or more misdemeanors in the United States, that the applicant entered the United States before December 1, 1988, and resided here on that date, and that the applicant prove a family relationship existed as of either December 21, 2000, or, in the case of an alien paroled into the United States, the date the legalized alien adjusted status pursuant to §1104(B) of Public Law 106-553, the LIFE Act, then the applicant may be eligible for family unity based immigration benefits. Family unity benefit LIFE Act applicants may apply for voluntary departure and work authorization by using this form, as provided for under §245A Subpart C of the INA as modified by §1104 of the LIFE Act as amended.

2. The information collected will be used to determine whether the applicant meets the eligibility requirements for benefits under 8 CFR §245A Subpart C. This application maintains that a LIFE applicant alien remains continuously eligible as an unmarried child under the age of 21 if he or she can establish that they were either an unmarried child as of December 21, 2000, or in the case of an unmarried child paroled into the United

States, that they were an unmarried child as of the date the legalized alien adjusted status, as long as, they are currently the unmarried child of the same parent. Eligibility will be determined by evidence the alien submits to prove identity, date, and means of entry and residence in the United States. Eligibility will also be determined by evidence of a family relationship to a legalized alien or evidence of a family relationship to that of an alien who is eligible or who applied for adjustment pursuant § 1104(B) of Public Law 106-553, the LIFE Act, by certain admissibility standards.

3. The use of this form provides the most efficient means for collecting and processing the required data.
4. A review of the U.S. Citizenship and Immigration Services (USCIS) Forms Inventory Report revealed no duplication of efforts and there is no other similar information currently available which can be used for this purpose.
5. This collection of information does not have an impact on small businesses or other small entities.
6. If the information is not collected, the adjudicating officer will be unable to determine whether the applicant is eligible for the benefits sought.
7. The special circumstances contained in item 7 of the supporting statement are not applicable to this information collection.
8. Public comments cannot be addressed in this submission. Any public comments will be reconciled and addressed in the justification package.

9. The USCIS does not provide payment or gifts to respondents in exchange for a benefit sought.

10. There is no assurance of confidentiality. However, the use of the information collected will be governed by existing Freedom of Information and Privacy Act regulations. The information submitted shall not be released in any form whatsoever to a third party requester unless the release is authorized by law, or by written consent of the alien.

11. The questions are necessary in order to receive family unity benefits under LIFE legalization. The USCIS will take every step to safeguard this information appropriately.

12. Annual Reporting Burden:

a.	Number of Respondents	40,000
b.	Number of Responses per Each Respondent	1
c.	Total Annual Responses	40,000
d.	Hours per Response	2.5
e.	Total Annual Reporting Burden	100,000
f.	Total Public Cost	\$ 7,600,000

Annual Reporting Burden

Total annual reporting burden hours are 100,000. This figure was derived by multiplying the number of respondents (40,000) x frequency of response (1) x hours per response (2.5).

Public Cost

The estimated annual public cost is \$7,600,000. This is based on the number of respondents 40,000 x 150 minutes (2.5 hours) per response x \$10.00 (average hourly rate), plus the number of respondents (40,000) x fee charge of \$200. The cost of fingerprints are \$25 x (40,000) and the 4 photographs at \$5 each x (40,000) is also included.

The projected hours per response for this collection of information were derived by first breaking the process into three basic components:

Learning about the Law and the Form:	30 minutes
Completion of the Form:	105 minutes
Assembling and Filing the Form:	15 minutes
<i>Total Hours per Response:</i>	<i>150 minutes</i>

For the first two components, we used tests to determine completion times. People who were not conversant with immigration processes were used to determine average completion time. The third component of the process, “Assembling and Filing the Form”, was broken down into subtasks. For example, the form can be mailed to an USCIS office or filed in person. Thus, the time necessary to actually file the form can vary widely depending on the circumstances of the applicant.

13. There are no capital or start-up costs associated with this information collection. Any cost burdens to respondents as a result of this collection are identified in item 14. (There is a fee charge of \$200 associated with the collection of this information. Additionally, the cost of obtaining fingerprints is \$25 and the cost of passport like photographs is \$5 each.)

14. Annualized Cost Analysis:

a.	Printing Cost	\$ 54,000
b.	Collection and Printing Cost	\$ 4,746,000
c.	Total Cost to Program	\$ 4,800,000
d.	Fee Charge	\$ 4,800,000
e.	Total Cost to Government	\$ 0

Government Cost

The estimated cost of the program to the government is calculated by using the estimated number of respondents (40,000) multiplied (x) by the suggested \$120 fee charge, (which includes the suggested hourly rate for clerical, officer and managerial time with benefits, plus a percent for the estimated overhead cost for printing, stocking and distributing and processing of this form.

A fee waiver is available on a one-time basis for each applicant who either applied for and was granted family unity benefits on or after October 1, 1991, OR paid a separate application fee to obtain an Employment Authorization Document under Family Unity Benefits, and has not previously received a fee waiver in connection with an extension of benefits under family unity prior to January 29, 1998.

15. There has been no increase or decrease in the burden hours previously reported for this information collection.
16. USCIS does not intend to employ the use of statistics or the publication thereof for this collection of information.

17. The USCIS is seeking approval to not display the expiration date for OMB approval of this information collection because the reprint and restock of the form would be cost prohibitive.

The display of the expiration date would require the USCIS to pull and destroy current forms in its inventory (districts, sectors, warehouses, etc.) that contain outdated expiration dates but could still be used by the public because the information requested on the form is still valid except for the expiration date. It would be impossible to revise the expiration dates on the forms already distributed to the public.

In addition, commercial entities have invested in the design, development and sale of electronic forms software programs to facilitate the completion of USCIS immigration forms. A change in this form and all other USCIS public use forms may cause an economic hardship for these commercial firms, especially those that are small businesses if they are required to change the software program to add a data element to their software program.

18. The USCIS does not request an exception to the certification of this information collection. See attached item 19 of Form OMB 83-I.

B. Collection of Information Employing Statistical Methods.

Not applicable.

C. Certification and Signature.

PAPERWORK CERTIFICATION

In submitting this request for OMB approval, I certify that the requirements of the Privacy Act and OMB directives have been complied with including paperwork regulations, statistical standards or directives, and any other information policy directives promulgated under 5 CFR 1320.

Richard A. Sloan

Director

Regulatory Management Division

Date